



2018 REPORT ON CRIMINAL COST WAIVERS

MARCH 15, 2018

§ 7A-350. Annual report on criminal court cost waivers.

The Administrative Office of the Courts shall maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court costs under G.S. 7A-304(a) and shall report on those waivers to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 of each year. The report shall aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers.



REPORT PARAMETERS

- All money statuses reported during calendar year 2017
 - Jan. 1, 2015 – All counties begin using the case disposition component of the Criminal Case Information System, Clerk Component (CCIS-CC version 5.5).
 - March 2015 – NCAOC issues memorandum identifying working definitions of available codes and when to use codes to appropriately identify criminal court money statuses.
- Money statuses include Ordered, Waived/Remitted, Partially Waived, Not Assessed, Stricken/Entered in Error, and Civil Judgment.



DEFINING MONEY STATUSES

- **Ordered:** This money status is used when the court orders a monetary obligation due. Ordered is the default money status. If the judge is silent on the issue, then, based on case type or status, Ordered should be used.
- **Waived/Remitted:** This money status is used when the judge waives or remits an individual monetary obligation in its entirety. It is used at a subsequent modification hearing if at the time of the hearing the original monetary obligation is unpaid in its entirety and the judge orders it remitted in its entirety.
 - *Note: The Waived/Remitted money status should not be confused with waivers of appearance, which sometimes are referred to as “waived,” “waiver,” or “waivable offenses.” A waiver of appearance is a defendant’s election to plead guilty or admit responsibility in writing in lieu of appearing in court. It is available in limited circumstances as prescribed by the Conference of District Court Judges pursuant to G.S. 7A-148.*



DEFINING MONEY STATUSES

- **Partially Waived:** This money status is used when a monetary obligation is reduced but not eliminated. A common example of Partially Waived is when a judge orders probation revoked, activates the suspended sentence, and waives what remains of each cost still owing. In this case, the partial waiver status is used for each line item where money still is owed.
- **Not Assessed:** This money status is used when a fee that should not be assessed appears in the Bill of Costs. An example of the proper use of Not Assessed would be the determination by the presiding judge not to assess an additional \$250.00 for a subsequent assignment to community service because defendant was previously assigned to community during the same session of court. See G.S. 143B-708(c).



DEFINING MONEY STATUSES

- **Stricken/Entered in Error:** This money status is used when a monetary obligation was recorded in error. It should be used for monetary obligations that would not have accrued but for the error.
- **Civil Judgment:** This money status is used when the judge orders the monetary obligations due through civil rather than criminal enforcement — i.e., the court has ordered that all money obligations due are due through civil enforcement mechanisms only. A civil judgment gives the state an indirect means of collecting the obligation.
 - *Note: If the court elects to simultaneously order monetary obligations due criminally and civilly, then the clerk should use the Ordered status rather than the Civil Judgment.*



COMPILING THE DATA

- NCAOC Research, Policy, and Planning Division developed a hierarchy for money statuses in the following order: Partially Waived, Not Assessed, Stricken/Entered in Error, Civil Judgment, and Waived/Remitted.
 - *Note: This reflects a change to align the meaning of the “Waived” category with a common expectation that the “Waived” category indicates cases where all financial obligations are waived. Therefore, direct comparisons between the 2018 report and those previous years are not advisable.*
- The number of cases where costs were “Ordered” is also included to provide a sense of volume of the dispositions in which costs, fees, or fines were ordered and no cost, fine, or fee line item was reduced or eliminated.
 - *Note: If the court elects to simultaneously order monetary obligations due criminally and civilly, then the clerk should use the Ordered status rather than the Civil Judgment.*



COMPILING THE DATA

- Data is by judge on the number of cases with criminal court money statuses that are entered with one or more money line items reduced or eliminated.
- The names listed reflect the names entered in the judge field of CCIS-CC, which captures the presiding judicial official at the event (judge, magistrate, or clerk).



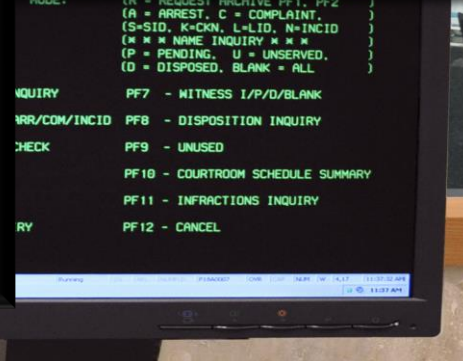
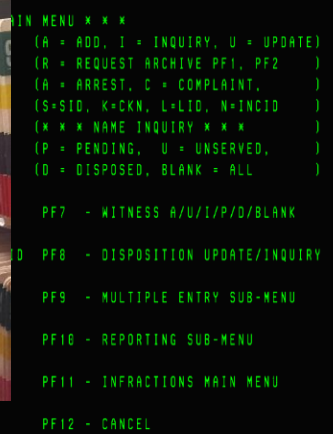
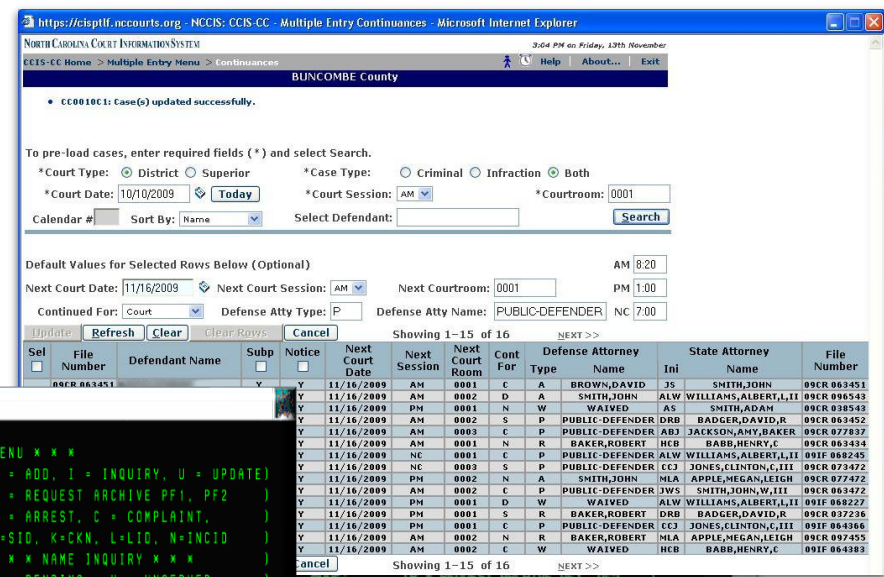
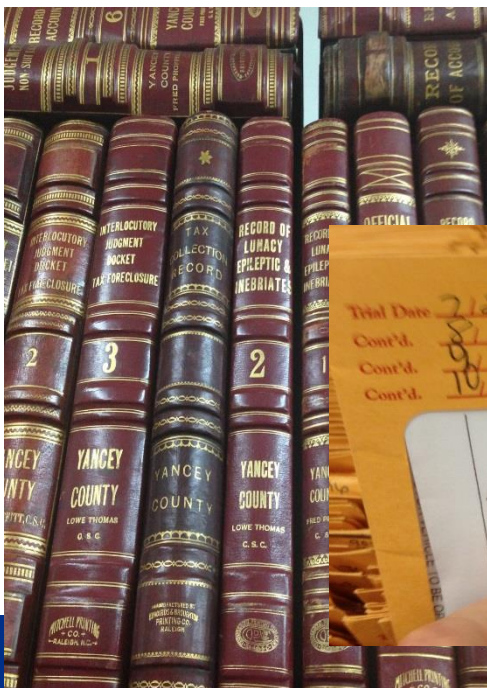
COMPILING THE DATA

- The significant number of “Missing/Unknown” judges is likely because of two possible scenarios.
 - First, dispositions entered in ACIS did not require entry of a judge, so any modifications to judgments entered in ACIS would not have required a judge name to be entered.
 - Second, disposition of infractions entered into CCIS-CC do not require entry of a judge name.
- Totals by judge field are higher than those by county field because the information by county reflects a count of cases with a money status by hierarchical order, while the information by judge field indicates the number of events in which a judge entered an order with a money status indicator.



DATA IN THE FUTURE

- Variations in data entry
- Complexity of separate case and financial systems





THANK YOU

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